

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Selena Sky Johnson,

Case No. 4:21-mj-30023
Judge: Ivy, Curtis
Filed: 01-14-2021

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 16, 2020 in the county of Genesee in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. §§ 922(a)(6) & 924(1)(a)

Knowingly made a false statement intended or likely to deceive a licensed firearm dealer

This criminal complaint is based on these facts:

That on May 16, 2020, in the Eastern District of Michigan, Selena Johnson, knowingly made a false statement intended or likely to deceive a licensed firearm dealer with respect to a fact material to the lawfulness of the sale of a firearm and that the statement was made on a record which is kept by the federal firearms licensee, all in violation of 18 U.S.C. §§ 922(a)(6) & 924(a)(1)(a).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: January 14, 2021

City and state: Bay City, MI


Complainant's signature

Nathan Sutara, Special Agent, ATF

Printed name and title


Judge's signature

Patricia T. Morris, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Nathan Sutara, being duly sworn, depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since May 2018. I am currently assigned to the Detroit, Michigan Field Division, Flint Field Office. I am tasked with investigating violations of firearms and narcotics laws. Before working with ATF, I was employed by the Michigan Department of State Police (MSP) for approximately 5 years. I held several positions with MSP, including Detective/Trooper with the Major Case Unit in Saginaw, MI. During this employment, I investigated numerous incidents involving robberies, shootings, and homicides as well as violations of state and federal firearms laws. During my time with the ATF, I have conducted and participated in numerous criminal investigations focused on illegal firearms trafficking, falsification of ATF forms to facilitate illegal firearm sales, illegal firearms possession, and manufacturing firearms without a license.

2. I make this affidavit from personal knowledge based on my review of reports and other materials prepared by those who have personal knowledge of the events and circumstances described below, based on my conversations with such

individuals, and based on information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. Based on the facts below, there is probable cause that on May 16, 2020, Selena Sky Johnson “aka Sky” (XX/XX/99) knowingly made a false representation related to whether she was the actual buyer/transferee of a firearm on ATF Form 4473 when purchasing a Century Arms, model RAS 47, 7.62 x 39 caliber semi-automatic rifle with the serial number RAS47035094, in violation of Title 18 U.S.C. §§ 922(a)(6) & 924(a)(1)(a).

THE INVESTIGATION

4. ATF is investigating Selena Johnson for making a false statement in connection with the purchase of a firearm. On May 16, 2020, Johnson completed an ATF Form 4473 with respect to the purchase of a Century Arms, model RAS 47, 7.62 x 39 caliber semi-automatic rifle with the serial number RAS47035094, from Dunham’s Sports, a Federal Firearms License holder (FFL) located in Burton, Michigan in the Eastern District of Michigan.

5. ATF Form 4473 is required to be completed when a person proposes to

purchase a firearm from an FFL holder, such as a gun dealer. The form contains the purchaser's name, address, date of birth, government-issued photo ID, National Instant Criminal Background Check System background check transaction number, and a short affidavit stating that the purchaser is eligible to purchase firearms under federal law. It also contains the make, model, or serial number of the firearm. Lying on the form is prohibited under various federal laws including 18 U.S.C. §§ 922(a)(6) & 924(a)(1)(A).

6. In completing Form 4473, the transferee/buyer must certify they are purchasing the firearm for him/herself (question 11.a), and on line 14 of the form, the transferee/buyer must personally certify (sign and date) that the answers provided are true, correct, and complete. The certification also states, "I understand that answering 'yes' to question 11.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law and may also violate State and/or local law."

7. I have reviewed the Form 4473 that Johnson completed on May 16, 2020, in connection with the purchase of the Century Arms rifle, described above. Johnson checked the box on line 11.a. indicating that she was the actual transferee/buyer of the firearm, and a signature bearing her name "Selena Johnson"

appears under the certification on line 14, and is dated “05-16-2020” on line 15.

8. On January 11, 2021, Detective Salem from the Mount Morris Township Police Department interviewed Selena Johnson, related to a state investigation. During the interview, Johnson explained that Devin Sayles previously had a black and brown AK that he “always” carried around, which she purchased for him at Dunham’s. Johnson explained that Sayles told her he wanted the gun, and he provided Johnson with the money to purchase the firearm. She explained that she did not know Sayles was a convicted felon and believed Sayles could not purchase the firearm because he did not have identification. Detective Salem then asked, “So you bought the gun?” Johnson responded, “Well yes, but he is the one that picked it out. They watched him.” Detective Salem asked again, “You bought the gun right?” Johnson responded, “Yeah, I did, yeah.” Johnson later explained, she did not buy Sayles any ammunition though.

9. I know that a Century Arms, model RAS 47, 7.62 x 39 caliber semi-automatic rifle, is an AK-style rifle.

10. I reviewed Sayles’s criminal history records which indicate that prior to May, 2020, he had been convicted of a felony crime punishable by imprisonment for a term exceeding one year. Sayles is therefore prohibited from purchasing or possessing firearms.

11. On January 12, 2021, ATF Special Agent Hurt met with Dunham's General Manager, Lisa Aubert in Burton, Michigan. SA Hurt requested the ATF Form 4473 from the firearm purchase made by Selena Johnson in May 2020. I know that as an FFL holder, Dunham's is required to keep the Form 4473 in their records. Aubert provided the ATF Form 4473 and a sales receipt showing Johnson paid \$688.97 for the rifle with \$700 cash.

12. SA Hurt asked General Manager Aubert if she remembered selling the firearm to Johnson that day because Aubert's name was on the ATF Form 4473 as the seller. Aubert explained that she thought this firearm was a unique purchase for a small-framed female such as Johnson but Johnson answered all of the questions correctly. Aubert explained that she could not remember whether Johnson was with anyone during the purchase. The rifle Johnson purchased was the only firearm she looked at and asked about. Aubert stated that Johnson did not want to buy ammunition.

Conclusion

13. Based on the foregoing, I have probable cause to believe that on May 16, 2020, in the Eastern District of Michigan, Selena Johnson, knowingly made a false statement intended or likely to deceive a licensed firearm dealer with respect to a fact material to the lawfulness of the sale of a firearm and that the statement was

made on a record which is kept by the federal firearms licensee, all in violation of
18 U.S.C. §§ 922(a)(6) & 924(a)(1)(a).



Nathan Sutara, Special Agent
Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to before me and signed in my presence and/or by reliable electronic means

on January 14, 2021.



Hon. Patricia T. Morris
United States Magistrate Judge